

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BAYER HEALTHCARE LLC,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

1:11-cv-3047-AKH

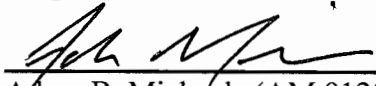
NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Affidavit of Adam B. Michaels, sworn to

September 9, 2011, and the Certificate of Good Standing annexed thereto, defendant Eli Lilly and Company will move this Court before the Honorable Alvin K. Hellerstein, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, allowing the admission *pro hac vice* of Lucas Westby, an attorney with the law firm of Nelson Mullins Riley & Scarborough LLP and a member in good standing of the Bar of the State of Georgia. There are no pending disciplinary proceedings against Mr. Westby in any state or federal court.

Dated: New York, New York
September 9, 2011

Respectfully submitted,


Adam B. Michaels (AM 9120)
PEPPER HAMILTON LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018-1405
(212) 808-2700

Counsel for defendant
Eli Lilly and Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BAYER HEALTHCARE LLC,

Plaintiff,

v.

ELI LILLY AND COMPANY,

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1:11-cv-3047-AKH

AFFIDAVIT

STATE OF NEW YORK)

COUNTY OF NEW YORK)

ADAM B. MICHAELS, being duly sworn, deposes and says:

1. I am a member in good standing of the bar of the State of New York and was admitted to practice in 2003. I was also admitted to the bar of the United States District Court for the Southern District of New York on July 8, 2003, and am in good standing with this Court.

2. I am of counsel with the law firm of Pepper Hamilton LLP, counsel for Defendant Eli Lilly and Company in the above-captioned action, and make this Affidavit in support of the motion for the admission of Lucas Westby to practice *pro hac vice* in the above-captioned action.

3. Mr. Westby is an attorney with the law firm of Nelson Mullins Riley & Scarborough LLP. His telephone number is 404.322.6000. His e-mail address is Lucas.Westby@nelsonmullins.com. As shown in the Certificate of Good Standing annexed to

this Affidavit as Exhibit A, he is a member in good standing of the Bar of the State of Georgia, admitted in 2008.

4. There are no pending disciplinary proceedings against Mr. Westby in any state or federal Court.

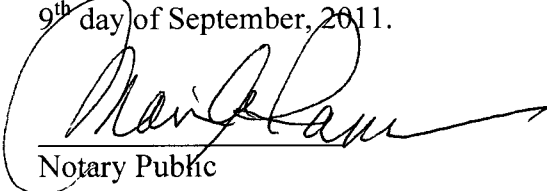
5. Mr. Westby is a skilled attorney and a person of integrity. He is experienced in federal practice and with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of Mr. Westby *pro hac vice*.

7. It is respectfully requested that the Court grant the motion for an order permitting Lucas Westby to appear in this action as counsel for defendant Eli Lilly and Company for all purposes *pro hac vice*. A proposed order for Mr. Westby's admission *pro hac vice* is annexed hereto as Exhibit B.


ADAM B. MICHAELS

Sworn to before me this
9th day of September, 2011.

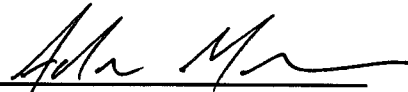

Notary Public

MARIE A. RAMOS
NOTARY PUBLIC, State of New York
No. 01RAS038297
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires Jan. 23, 2015

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2011, I caused a true and correct copy of the Notice of Motion for the *pro hac vice* admission of Lucas Westby to be served via First Class U.S. Mail, as follows:

David H. Bernstein, Esq.
Michael Schaper, Esq.
Christopher J. Hamilton, Esq.
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022



Adam B. Michaels

STATE BAR OF GEORGIA



Lawyers Serving the Public and the Justice System

Mr. Lucas Allen Westby
Nelson Mullins Riley & Scarborough LLP
201 17th Street Suite 1700
Atlanta, GA 30363

CURRENT STATUS: Active Member-Good Standing
DATE OF ADMISSION: 11/19/2008
BAR NUMBER: 594008
TODAY'S DATE: 08/31/2011

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition	Date
N/A	N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- **Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).**
- **Sworn in to the Superior Court of Georgia, which is the highest court required to practice law in Georgia.**
- **Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.**

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in “good standing” as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

STATE BAR OF GEORGIA

Brandy Cleghorn

Official Representative of the State Bar of Georgia



HEADQUARTERS

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Atlanta, Georgia 30303
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Tifton, Georgia 31793-1390
(229) 387-0446 ■ (800) 330-0446
FAX (229) 382-7435

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
BAYER HEALTHCARE LLC,	:	
	:	
Plaintiff,	:	
	:	1:11-cv-3047-AKH
v.	:	
	:	<u>ORDER FOR ADMISSION PRO HAC VICE</u>
ELI LILLY AND COMPANY,	:	
	:	
Defendant.	:	
-----	X	

Upon the motion of Adam B. Michaels, attorney for defendant Eli Lilly and Company and said sponsor attorney's affidavit in support,

IT IS HEREBY ORDERED that Lucas Westby is admitted to practice *pro hac vice* as counsel for defendant Eli Lilly and Company in the above captioned case. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rule governing discipline of attorneys. Counsel shall immediately apply for an Electronic Case Filing (ECF) password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: _____

U. S. D. J.